

Appn. Number 10/762,923

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**REMARKS--General**

The specification has been amended editorially and to correct those errors noted in the O.A.

Also applicant has rewritten all claims to define the invention more particularly and distinctly so as to overcome the technical rejections and define the invention in a patentable manner over the prior art.

**The claims rejection under Section 112**

The claims were objected to under Section 112 as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Applicant requests reconsideration and withdrawal of this objection since the new claims 13 and 14 and the amendment to the specification now more clearly defines the subject matter of the invention, and more clearly defines what the applicant regards as the invention.

Antecedents have been addressed and claims modified to more clearly define the subject matter of the invention.

**The rejection of claims 1-4 on Beck is overcome**

The last O.A. rejected claims 1-4 on Beck under 35 USC 102(b). Claim 1-4 have been rewritten as new claims 13 and 14 to define patentability over these references, and any combination thereof. Applicant requests reconsideration of this rejection, as now applicable to claims 13 and 14, for the following reasons:.

- 1) There is no justification, in Beck, or any other prior art separate from applicant's disclosure, which suggests that the rotateably fitted parts could be fashioned in the manner proposed.
- 2) The proposed parts would not be physically possible or operative under Beck.
- 3) The novel physical features of claim 13 and 14 produce new and unexpected

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results hence are unobvious and patentable over these references.

**The references and differences of the Present Invention thereover**

Prior to discussing the claims and the above three points, applicant will first discuss the references and the general novelty of the present invention and its unobviousness over the references.

**Beck** creates a product that has bail wire to attach the rotatable parts together so that separation of the two parts requires removal of piece of wire. Applicants invention has no such wire and is able to fit and stay together without this nuisance.

**Beck** does not contain any justification to support attaching the pieces in the manner proposed by the applicant.

**Beck's** product can only be constructed as in his claims 2 and 3 where the rotation is accomplished over a radius. Therefore **Beck's** invention does not physically work as does the applicant's invention. **Beck's** invention can only be smoked with the bowl end facing one direction.

**Beck** does not show a tapered bowl piece with either end able to be inserted into a properly sized band. The bowl piece tapers of applicant's invention allow for a precision fit over a wider tolerance than is available with **Beck's** method of attachment. In order for **Beck** to get a precision fit of the two parts they must be carefully machined and held together with wire so that the pieces don't fall apart.

**Beck** does not show a bowl piece with either end threaded and able to be threaded into a properly sized band. The screw threads of applicant's invention also allow for a precision fit over a wider tolerance than is available with **Beck's** method of attachment. **Beck's** inventions easily break and fall apart.

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**There is no justification, in Beck, which suggests that the rotateably fitted parts could be fashioned in the manner proposed. .**

In order for Beck's invention to support a rotateable bowl as claimed, one radius piece must move within another radius piece rotating along that radius. There would be no way to fashion beck's pipe in the manner applicant proposes. Applicant's invention has rotateable parts that are secured by the much more simplified adaptation of pressure or threads.

**The proposed parts would not be physically possible or operative under Beck and Beck cannot achieve a tight fit along with an easily rotateable bowl.**

Beck's parts have a transverse orientation fitting to each other, therefore would not be operable if made in the manner applicant proposes. Applicant asserts that it will be extraordinarily expensive and nearly impossible for Beck's invention to achieve a tight fit along with an easily rotateable bowl. Either Beck's pipe will leak or be impossible to rotate. Applicant's invention accomplishes both tight fit and ease of rotation with little cost and more flexible tolerances. Beck does not contain any justification to support attaching the pieces in the manner proposed by the applicant.

**The novel physical features of claim 13 and 14 produce new and unexpected results hence are unobvious and patentable over these references under 103.**

Applicant submits that the novel physical features of claim 13 and 14 are also unobvious and hence patentable under 103 since they produce new and unexpected results over Beck.

These new and unexpected results are that both the taper and screw threads of the applicant's invention are much more easily assembled and reassembled, it gives the smoker the ability to conveniently smoke with the pieces assembled either direction, and

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achieves a tighter seal between pieces that is easy to rotate.

Since the claims define novel structure that produces new and unexpected results as described above, Applicant submits that such claims are clearly patentable.

#### **O.A. Allowable Subject Matter**

I give much praise and thanks to the Examiner for noting that claims 2-3 would be allowable if rewritten. Therefore, applicant has rewritten Claims 2-3 as new claims 13-14 to overcome the O.A. rejections under 35 USC 112. The new claims clearly define new physical features, a simplified novel method of attaching and rotating pieces, and elimination of some parts in prior art resulting in a superior pipe with out loss of capability. Claim 13 recites that both ends of the bowl piece have congruent tapers and claim 14 recites both ends have screw threads so that in both claims either end may insert into the band and that smoking may be accomplished with the bowl piece inserted either way.

#### **Conclusion**

Consider also that the Applicant's invention is in a field of crowded art; that the ease of assembly of the applicant's invention simplifies the process of storage, loading and smoking a pipe, and should be regarded as significant.

Please make note that the wire of the prior art has been omitted and the prior art version made simpler without loss of capability.

For all the above reasons, Applicant submits that the specification and claims are now in proper form, and that the claims all define patentably over the prior art Therefore applicant submits that this application is now in condition for allowance, which action applicant respectfully solicits.

#### **Conditional request for constructive assistance**

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Applicant has amended the specification and claims of this application so that they are proper, definite, and define novel structure, which is also unobvious. If, for any reason this application is not believed to be in full condition for allowance, applicant respectfully requests the constructive assistance and suggestions of the Examiner pursuant to M.P.E.P. section 2173.02 and section 707.07(j) in order that the undersigned can place this application in allowable condition as soon as possible and without the need for further proceedings.

Very Respectfully

  
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**Certificate of Faxing:** I certify that on the date below this document and referenced attachments will be deposited will faxed to the US Patent and Trademark Office, GAU: Carlos N. Lopez/1731, at 1-571-273-8300

2007 May 11

  
Kenneth A Erickson

**Attachments:** 1) appendix to Amendment A with substitute specification and specification of record with replacement paragraphs marked-up to indicate changes